

### REMARKS

Claims 1-16 were pending before the examiner. The examiner has allowed claims 1-7 and 14-16; claim 8 has been rejected; and, the examiner has objected to claims 9-13 as being dependent upon an allowed claim.

By this amendment, the elements of claim 9 have been incorporated into independent claim 8. Claim 9 has been deleted. Now pending before the examiner are claims 1-8 and 10-16.

The examiner has requested corrected drawings on the application because the figures are not clear and legible.

Enclosed herewith are formal drawings.

The examiner has rejected claim 8 under 35 U.S.C. 102(b) citing Bernstein. The examiner states that Bernstein discloses a telescoping applicator head with a valve assembly.

By this amendment, the elements of claim 9, which the examiner has indicated as having allowable subject matter, has been added to claim 8, thereby presumably rendering claim 8 allowable. This element is:

c) a misting valve controlling the application of water through said nozzle such that:

- 1) when said evaporative pad is in the upper position, water passes through said misting valve to said nozzle, and,
- 2) when said evaporative pad is in the lower position, water is not permitted to pass through said misting valve to said nozzle

Bernstein is completely silent as to this element. Further, Bernstein does not even hint or suggest that such an element is possible.

Based upon the above, it is respectfully submitted that claim 8 is not anticipated by Bernstein and further, that Bernstein is incapable of teaching or suggesting claim 8 as now amended.

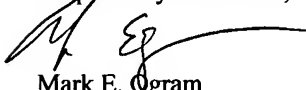
The allowance of claims 1-7 and 14-16 is noted.

The objection to claims 9-13 as being dependent upon a rejected base claim is noted. By this amendment, the elements of claim 9 have been incorporated into the base claim 8; thereby presumably rendering claims 10-13

allowable.

Based upon the above, it is respectfully submitted that claims 1-8 and 10-16, as now amended, are allowable and should be advanced to issuance.

Respectfully Submitted,



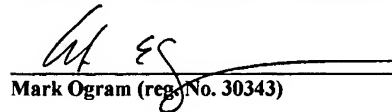
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Date: OCT 8, 2001

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Mark Ogram (reg. No. 30343)

OCT 8, 2001  
Date